REMARKS

In further response to the Office Action dated July 28, 2006 and the Advisory Action dated October 23, 2006, Applicants respectfully request reconsideration.

35 U.S.C. § 103 rejections

Claims 2-3, 10-11, and 17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,961,604 (Anderson) in view of U.S. Patent No. 6,229,538 (McIntyre) in view of U.S. Patent No. 6,271,845 (Richardson).

Claims 4-9, 12-16, and 18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Anderson in view of McIntyre in view of Richardson in further view of U.S. Pat. No. 6,456,306 (Chin).

Applicants respectfully assert that the combination of Anderson, McIntyre, and Richardson is an improper combination of references that could only be arrived at using impermissible hindsight. Even assuming, *arguendo*, that the combination of Anderson, McIntyre, and Richardson discloses all of the pieces of independent claims 2, 10, and 17, the cited references do not suggest the inventive concepts recited in claims 2, 10, and 17. For example, none of the cited references discuss, explicitly or otherwise, the inventive concept of representing a plurality of uninterruptible power supplies ("UPSs") using a single icon that is indicative of the state of the UPSs being monitored.

Neither Anderson, McIntyre, or Richardson suggests the specific combinations recited in independent claims 2, 10, and 17. Figure 7 of Anderson discusses a "modular power supply" along with "discrete data" and "analog data," col. 15, ll. 55-56 of McIntyre discusses a "graphical symbol icon … used to indicate failure," and col. 9, l. 62 of Richardson discusses a "group view health status indicator." The references do not, however, disclose, explicitly or otherwise, representing a plurality of **UPSs** using a **single** icon. Without using hindsight, or taking the present application into account, a skilled artisan would not obviously arrive at the claimed methods and systems. Rather, the combination of Anderson, McIntyre, and Richardson, as discussed in Applicant's prior response, would at least (although not necessarily) suggest to a skilled artisan a method

that includes displaying multiple icons that each represent the status of less than all of the attached network devices.

The mere fact that the Examiner can combine features from several references does not support a finding of obviousness. *See e.g. Helver v. Novo Indus., Inc.*, 49 U.S.P.Q.2d 1591, 1597 (S.D. Fla. 1998). Simply combining multiple references that each disclose different aspects of an independent claim, which in sum discloses the entire independent claim, cannot form the basis of an obviousness rejection if hindsight was used. Indeed, this position has been taken by the courts:

> [D]ecomposing an invention into its constituent elements, finding each element in the prior art, and then claiming that it is easy to reassemble these elements into the invention, is a forbidden *ex post* analysis. … With hindsight the transistor is obvious; but devising the transistor was still a work of genius. An invention lies in a combination of elements that are themselves mundane. ... **Unless the prior art itself suggests the particular combination, it does not show that the actual invention was obvious or anticipated**.

In re Mahurkar Patent Litigation, 831 F. Supp. 1354, 1374-75 (N.D. Ill. 1993)(aff'd 71 F.3d 1573 (Fed. Cir. 1995))(emphasis added).

In addition to the above, Applicants assert that there are patentable differences between the rejected claims and the technology discussed in the combination of Anderson, McIntyre, and Richardson. Thus, for at least these reasons, claims 2, 10, and 17 are patentable.

Claims 3-9, which depend from independent claim 2, are patentable for at least the same reasons discussed above.

Claims 11-16, which depend from independent claim 10, are patentable for at least the same reasons discussed above.

Claim 18, which depends from independent claim 17 is patentable for at least the same reason discussed above.

Additional claims

Claims 22-24 have been added. Applicants assert that no new matter has been introduced by claims 22-24. Applicants assert that claims 22-24 are patentable, and a notice to that effect is respectfully requested.

Conclusion

Based on the foregoing, this application is believed to be in allowable condition, and a notice to that effect is respectfully requested. If a telephone conversation with Applicant's representative would help expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney at (617) 542-6000.

The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account 50-0311, Reference No. 18133-102. The Director is further authorized to charge any required fee(s) under 37 C.F.R. §§ 1.19, 1.20, and 1.21 to the abovementioned Deposit Account.

Respectfully submitted,

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Date: January 10, 2007

TRA 2242112v.1